

Serial No 10/810,783

Office Action dated, March 2, 2006

Amendment and Response to Office Action dated May 4, 2006

MAY 04 2006

REMARKS

The requirement for drawings is noted, but Applicant respectfully requests that this requirement be held in abeyance until a claim is found allowable.

Applicant has attempted to cure the objections raised by the Examiner to the claim language as presented. Moreover, should the Examiner have any questions on these latest changes whereby the claim might more clearly define the concept of separating a section or cord segment from the detonating cord wound on the reel, Applicant would certainly consider such suggestions by the Examiner.

Turning next to the rejection under 103(a) of both claims 3 and 4 on a combination of three prior art patents Kowalski, Nusbaum and Gottscho, Applicant notes that Kowalski does not provide markings in such a manner as to provide a visual indication of the remaining cord on a reel, or on several such reels.

Nusbaum merely suggests marking of a sheet material that is dispensed from a roll, showing the numerical indicia to decrease from the free end of the sheet material to the core. There is no suggestion in either Nusbaum or Kowalski of reversing that marking for the intended purpose, namely to display at a glance the length of sheet material remaining on the roll.

Gottscho also relates to a marking apparatus for providing indicia on sheet material stored in rolled form. Gottscho, like Nusbaum, is drawn from a non-analogous art, and is more particularly directed to marking of material that is flat or sheet form, so as to be readily provided with indicia or markings. In both Gottscho and Nusbaum, there is no suggestion of applying markings to the arcuate surface of a cord material, such as encountered in the art or technology to which the present invention is specifically directed.

While Kowalski is directed to detonating cord, and more particularly to detonating cord stored on a reel or spool, there is no suggestion in Kowalski of so marking the detonating cord as to provide a continuous indication of the detonating cord remaining on a reel, after severing one or more segments from the cord so stored on that reel.

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The references to Gottscho and Nusbaum are relevant only as a result of the hindsight afforded by applicant's disclosure. One skilled in the art of detonating cord and its characteristics would not have any reason to investigate prior art from the storage of sheet material, absent any suggestion for doing so in the detonating cord art, or in the patents from such technology..

The unobviousness in the present case derives more from the recognition of the problem to be solved as much as it does from the final solution arrived at for that problem. While the claimed invention may appear to be obvious by way of hind sight once one of ordinary skill is provided with the disclosure in this application, such a use of Applicant's disclosure, as a template from which to recreate a claimed invention, has often been condemned by the Board of Appeals and the Courts as a way of judging unobviousness.

The storage of sheet material differs substantially from that of storing primer cord or detonating cord. One skilled in the art of designing apparatus associated with the one is not necessarily familiar with the design of material for handling and dispensing the other. Differences exist as between the coiling of sheet material and cord material. The latter must shifted axially relative to the reel as it is withdrawn. Such a requirement calls into question the relevance of patents such as Nusbaum which rely upon an axially fixed window to read the markings. The cord imprinting markings of the present invention would not run under such a fixed window in the environment to which the present invention is directed. The same can be said for the marking apparatus of Gottscho. Such a marking apparatus might work well on sheet material, but would be virtually incapable of marking detonating cord that is wound on a reel or drum in accordance with the present invention.

Favorable reconsideration of this application in light of these remarks is respectfully requested. Since the problem solved by the claimed invention differs substantially from any suggestion of a similar problem in one or the other of the several references relied upon the Examiner, the rejection in this case must be regarded as an attempt by the Examiner to use the subject application as a template from which to recreate the claimed invention.

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In the absence of any suggestion in the prior art references cited of the need for marking detonating cord to indicate the length remaining on a reel or drum, the claimed invention cannot be considered obvious. As pointed out previously, Applicant's invention does not involve merely marking detonating cord, but relates to marking of detonating cord stored on reels with continuously decreasing numerical indicia indicative of the length of detonating cord remaining on that reel or drum. Since up to 2,000 feet of detonating cord can be stored on a reel or drum, it becomes important to the user that a convenient inventory control method be provided for ascertaining, at a glance, how much detonating cord might remain on each of several reels of detonating cord. Such information is especially useful in the field as mentioned previously.

Since there is no suggestion in the prior art generally or the cited references in particular of the very problem to which the present invention is directed, favorable reconsideration of this application and the claims as amended is earnestly solicited.

Applicant does not believe any fee is due herewith. In the event a fee is due with the filing of this response, the Commissioner is authorized to charge such fee to Deposit Account No. 13-0235.

Respectfully submitted,

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